



September 3, 1999

Mr. Michael Corley
The University of Texas System
Office of General Counsel
201 West Seventh Street
Austin, Texas 78701-2981

OR99-2475

Dear Mr. Corley:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 127033.

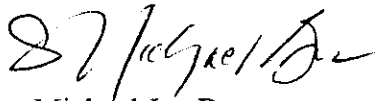
The University of Texas System (the "system") received a request for the operating budget for the University of Texas Health Science Center at San Antonio. You have supplied the responsive information to this office for review, contending that it is excepted from public disclosure by section 552.103(a) of the Government Code. We have considered the exception you raise and have reviewed the submitted information.

Section 552.103(a), the "litigation exception," excepts from disclosure information relating to litigation to which the state or a political subdivision is or may be a party. To secure the protection of section 552.103(a), a governmental body has the burden of providing relevant facts and documents to show that (1) litigation is pending or reasonably anticipated, and (2) the information at issue is related to that litigation. *Heard v. Houston Post Co.*, 684 S.W.2d 210 (Tex. App.--Houston [1st Dist.] 1984, writ ref'd n.r.e.). You have supplied pleadings in the case *Theresa M. Siler-Khodr v. University of Texas Health Science Center at San Antonio*, No. SA 97-CA-1250-PMA (W.D. Tex). You inform us that this case is pending before the court. Thus, you have established that litigation is pending. You contend that the entire budget relates to this pending litigation. However, from our review of this document we conclude that much of the information contained therein clearly does not relate to this pending litigation. A general claim that an exception applies to an entire document, when the exception is clearly not applicable to all of the information in that document, does not comport with the procedural requirements of Chapter 552 of the Government Code. Open

Records Decision No. 150 (1977). As you have not explained how the information is related to the pending litigation, we conclude that you have not established that the submitted information is excepted from disclosure by section 552.103. Therefore, the information must be released.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Jay Burns".

Michael Jay Burns
Assistant Attorney General
Open Records Division

MJB/ch

Ref: ID# 127033.

Encl. Submitted documents

cc: Mr. Joseph Y. Ahmad
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Houston, Texas 77010-2009
(w/o enclosures)